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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,676

02/10/2004

Donald R. Denton

2802-135-087

9754

7590

01/25/2007

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EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/775,676

Applicant(s)

DENTON ET AL.

Examiner

Ivars C. Cintins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-52 is/are pending in the application.
- 4a) Of the above claim(s) 9,22 and 27-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-13, 16-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Art Unit: 1724

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 8, 12, 13, 16 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Maxwell et al. (U.S. Patent No. 6,572,762; hereinafter "Maxwell"). The reference discloses a device comprising first and second stages (i.e. **52** and **54**) of oleophilic polymeric oil sorbing material (see col. 3, lines 37-38 and 64-65) having a cylindrical shape (see Fig. 2), and this is all that appears to be required by claims 1, 3, 8, 12, 13, 16 and 21. Applicant should note that these claims do not specify that the first and second polymeric materials are different from one another, and therefore these claims do not distinguish over the reference device.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 8, 12, 13, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell in view of Pedone (U.S. Patent No. 3,913,513). Should it be held that the above noted claims require that the first and second polymeric materials be different from one another, then Maxwell discloses the claimed invention with the

Art Unit: 1724

exception of this difference. Pedone teaches that it is known to employ a plurality of filtration stages in an oil sorbent filter (see col. 4, lines 66-68); and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a plurality of filtration layers in the filter of the primary reference, in order to provide enhanced oil removal capability for this primary reference filter. Such a modification is deemed to be especially obvious in view of the disclosure by Maxwell that the oil absorbing materials of Pedone may be employed in this primary reference filter (see col. 4, line 7).

Claims 2, 4-7 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell in view of Manzone (U.S. Patent No. 6,712,976). Maxwell discloses the claimed invention with the exception of the polymeric sorbent material employed. Manzone discloses oil sorbent materials of the type recited (see col. 4, lines 46-49; and col. 5, lines 2-7 and 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polymeric sorbent material of the secondary reference for the polymeric sorbent material of the primary reference, since this secondary reference polymeric sorbent material is capable of sorbing oil from water in substantially the same manner as the polymeric sorbent material of the primary reference, to produce substantially the same results.

Claims 2, 4-7 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell and Pedone as applied above, further in view of Manzone. The modified primary reference discloses the claimed invention with the exception of the polymeric sorbent material employed. Manzone discloses oil sorbent materials of

Art Unit: 1724

the type recited, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polymeric sorbent material of the secondary reference for the polymeric sorbent material of the modified primary reference, since this secondary reference polymeric sorbent material is capable of sorbing oil from water in substantially the same manner as the polymeric sorbent material of the modified primary reference, to produce substantially the same results.

Claims 4-7, 10, 11, 17-20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell in view of Hanrahan (U.S. Patent No. 5,767,060). Maxwell discloses the claimed invention with the exception of the polymeric sorbent material employed. Hanrahan discloses oil sorbent materials of the type recited (see col. 1, lines 9-12; col. 2, lines 31-33; col. 3, lines 36-37; and col. 6, lines 37-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the polymeric sorbent material of the secondary reference for the polymeric sorbent material of the primary reference, since this secondary reference polymeric sorbent material is capable of sorbing oil from water in substantially the same manner as the polymeric sorbent material of the primary reference, to produce substantially the same results.

Claims 4-7, 10, 11, 17-20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell and Pedone as applied above, further in view of Hanrahan. The modified primary reference discloses the claimed invention with the exception of the polymeric sorbent material employed. Hanrahan discloses oil sorbent materials of the type recited, and it would have been obvious to one of ordinary skill in

Art Unit: 1724

the art at the time the invention was made to substitute the polymeric sorbent material of the secondary reference for the polymeric sorbent material of the modified primary reference, since this secondary reference polymeric sorbent material is capable of sorbing oil from water in substantially the same manner as the polymeric sorbent material of the modified primary reference, to produce substantially the same results.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxwell and Pedone as applied above, further in view of Ruger et al. (U.S. Patent No. 5,122,270; hereinafter "Ruger"). The modified primary reference discloses the claimed invention with the exception of the geometric relationship between the first and second polymeric sorbent materials. Ruger teaches surrounding a first sorbent material with a second sorbent material in a cylindrical shape (see col. 2, lines 65-68; and Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the first and second polymeric sorbent materials of the modified primary reference in the manner suggested by Ruger, in order to obtain a compact oil sorbent structure. Such a modification is deemed to be especially obvious since Maxwell clearly discloses utilizing its polymeric sorbent material in a cylindrical form (see Fig. 2).

Applicant's arguments filed November 14, 2006 have been noted and carefully considered, but no longer appear to be relevant in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is 571-272-1155.

The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00

Art Unit: 1724

PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at 571-272-1166.

The centralized facsimile number for the USPTO is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Ivars C. Cintins**  
**Primary Examiner**  
**Art Unit 1724**

I. Cintins  
January 22, 2007